

## **Title 16. Respiratory Care Board Department of Consumer Affairs**

# **NOTICE OF PROPOSED CHANGES**

NOTICE IS HEREBY GIVEN that the Respiratory Care Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Respiratory Care Board of California at 444 North 3rd Street, Suite 270, in Sacramento, California at 9:00 a.m. on September 15, 2004. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Respiratory Care Board at its office not later than 5:00 p.m. on September 14, 2004, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

### **AUTHORITY AND REFERENCE**

Pursuant to the authority vested by section 3722 of the Business and Professions Code, and to implement, interpret or make specific section 3735.5 of said Code, the Respiratory Care Board is considering changes to Division 13.6 of Title 16 of the California Code of Regulations as follows:

### **INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW**

Business and Professions Code section 3735.5 states that the requirement to pass the written examination shall not apply to an applicant who at the time of his or her application has passed, to the satisfaction of the board, an examination that is, in the opinion of the board, equivalent to the examination given in this state.

This proposal would define under what circumstances an examination is deemed equivalent for respiratory care practitioner applicants who have previously taken and passed a national credentialing examination and possess a valid credential.

### **FISCAL IMPACT ESTIMATES**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State: NONE

Nondiscretionary Costs/Savings to Local Agencies: NONE

Local Mandate: NONE

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: NONE

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Respiratory Care Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Private Persons or Entities:

The Respiratory Care Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: NONE

**EFFECT ON SMALL BUSINESS**

The Respiratory Care Board has determined that the proposed regulations will not affect small businesses. Via contractual agreement, the National Board for Respiratory Care administers its Certified Respiratory Therapist examination as the California licensing examination. Therefore, the California licensing exam and the national credentialing exam are one in the same. This Certified Respiratory Therapist examination is the property of the National Board for Respiratory Care which is not a small business.

**CONSIDERATION OF ALTERNATIVES**

The Respiratory Care Board must determine that no reasonable alternative which is considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in the Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS AND INFORMATION**

The Respiratory Care Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

### **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing by accessing the board's website at [www.rcb.ca.gov](http://www.rcb.ca.gov) or upon request from the Respiratory Care Board at 444 North 3<sup>rd</sup> Street, Suite 270, Sacramento, CA 95814.

### **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person name below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

### **CONTACT PERSON**

Inquiries or comments concerning the proposed administrative action may be addressed to:

Christine Molina, Staff Services Manager  
Respiratory Care Board of California  
444 North 3<sup>rd</sup> Street, Suite 270  
Sacramento, CA 95814  
(916) 323-9983  
[rcbinfo@dca.ca.gov](mailto:rcbinfo@dca.ca.gov)

The backup contact person is:

Stephanie Nunez, Executive Officer  
Respiratory Care Board of California  
444 North 3<sup>rd</sup> Street, Suite 270  
Sacramento, CA 95814  
(916) 323-9983  
[rcbinfo@dca.ca.gov](mailto:rcbinfo@dca.ca.gov)

Inquiries concerning the substance of the proposed regulations may be addressed to:

Christine Molina, Staff Services Manager  
Respiratory Care Board of California  
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Sacramento, CA 95814  
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